

Attorney Docket No.: 1400.1072 D5
Client Reference Number: 10072-US-DIV5

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Remarks

Claims 65-118 are currently pending, of which claims 65, 79, 89, 97, and 108 are in independent form.

No claims have been amended by way of this response.

Favorable reconsideration of the present application as currently constituted is respectfully requested.

Claim Rejections under 35 U.S.C §103(a)

In the pending Office Action, claims 65-118 under 35 U.S.C §03(a) stand rejected as allegedly being unpatentable over U.S. Patent No. 5,958,006 to Eggleston et al. (hereinafter the *Eggleston* reference) and U.S. Patent No. 5,964,833 to Kikinis (hereinafter the *Kikinis* reference). The Examiner has commented as follows with respect to the primary reference, i.e., the *Eggleston* reference, in connection with the outstanding §03(a) rejections:

With regard to claims 65, 79, 97, and 108, Eggleston disclosed a method of redirecting e-mail messages and message attachments to a user of a mobile data communication device that is associated with a host system and communicates therewith via a wireless gateway, the method comprising the steps of:

Receiving a data item (email) at the host system (server 115) from a message sender, the data item being directed to an address associated with the user at the

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host system (address of mobile user 105), the data item including an e-mail message and a message attachment (e.g. email message with attachment, Col 8, lines 30-37);

Redirecting at least a portion of the e-mail message from the host system to the mobile data communication device via the wireless gateway using a network address of the mobile data communication device (e.g. when the user has implemented a filter and only part of the message is sent to the user, see inter alia Col 3, lines 23-26 and Col 10, lines 10-32);

Receiving a first command message from the mobile data communication device at the host system requesting more of the data item (i.e. sends the request after receiving partial or summary data for more of the message or all of the message, see inter alia Col 3, lines 29-34 or Col 10, line 57 - Col 11, line 4);

Redirecting the message attachment from the host system to the mobile data communication device via the wireless gateway using the network address of the mobile data communication device in response to first command message (i.e. when the user requests all of the message or full transfer of the message, the attachment will also be sent to the user's mobile device, again see inter alia Col 3, lines 29-34 or Col 10, line 57 - Col 11, line 4);

Without acquiescing in the characterization of the art and/or the pending claims as set forth in the Office Action, Applicant respectfully traverses the foregoing §03(a) rejections and offers the following discussion as support.

In applying *Eggleston* against the base claims, it appears that the Examiner has relied on the teachings therein with respect to FIG. 7, which is reproduced hereinbelow for convenience. As

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illustrated in FIG. 7, all qualifying mail, i.e., mail that has passed the filtering stage, is forwarded to the mobile unit. See

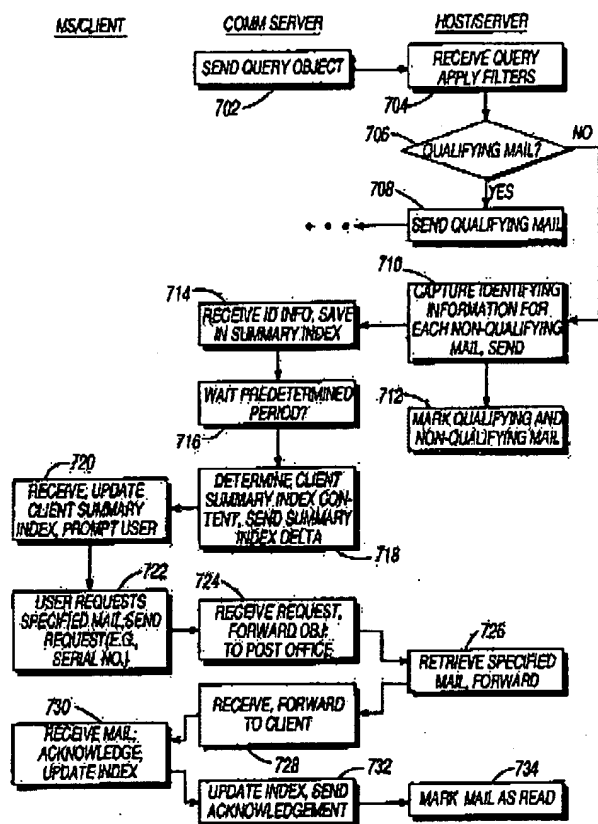


FIG. 7

blocks 706 and 708. In other words, if a mail item has passed an attachment size filter or an attachment type filter, for example, as provided in FIGS. 5 and 6 of Eggleston, that mail item along with the attachment is unconditionally forwarded to the mobile unit. That is, in Eggleston, if a mail item is a qualifying mail item having an attached file,

then it is sent to the mobile unit without having to require a command message therefrom in order to receive the attached file. On the other hand, the claimed embodiments require, *inter alia*, a first command message from a mobile data communication device and

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redirecting an attached file associated with a mail message in response to the first command message.

Applicant further submits that the foregoing fundamental deficiency of *Eggleston* is not cured by the application of the secondary reference, i.e., *Kikinis* reference, with respect to maintaining the outstanding \$103 rejections. At best, *Kikinis* is directed to "a system and method that uses paging technology to notify a subscriber's computer, and optionally the subscriber as well, of new mail to be accessed and processed, ..." See column 2, lines 46 et seq. Given that *Kikinis* contends with an entirely different technical problem, Applicant respectfully submits, at a minimum, that the disclosure of *Kikinis* is devoid of any motivation or suggestion to modify the teachings of the applied art with respect to rectifying the deficiencies of the *Eggleston* reference. Further, the cumulative teachings of *Eggleston* and *Kikinis* do not teach or suggest all the limitations of the pending base claims inasmuch as the *Kikinis* reference is silent with respect to the features of providing a first command message from a mobile data communication device and redirecting an attached file associated with a mail message in response to the first command message.

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At least for the foregoing reasons, it is believed that the pending base claims 65, 79, 89, 97, and 108 are allowable over the applied art. Dependent claims 66-78 (depending from base claim 65), dependent claims 80-88 (depending from base claim 79), dependent claims 90-96 (depending from base claim 89), dependent claims 98-107 (depending from base claim 97), and dependent claims 109-118 (depending from base claim 108) are also believed to be in condition for allowance for the same reasons.

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Fee Statement

Compared to the previous filing, the number of independent claims has remained the same and the total number of claims has been remained the same. Applicant is filling herewith a Request for Continued Examination (RCE) of the instant patent application, wherein a petition for a three-month extension of time is being filed herewith to extend the time for reply to January 17, 2007. Form PTO-2038 is enclosed herewith authorizing payment of \$1,810 (\$790.00 for the RCE fee and \$1020 for the 3-month extension). Applicant believes no additional fees are due for the filing of this response. If any additional fees are due or any overpayments have been made, however, please charge or credit our deposit account (Deposit Account No. 03-1130).

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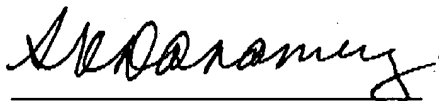
Summary and Conclusion

In view of the fact that none of the art of the record, whether considered alone or in combination discloses, anticipates or suggests the pending claims, and in further view of the above remarks, reconsideration of the Action and allowance of the present patent application are respectfully requested and are believed to be appropriate.

Dated this 16th day of January, 2007.

Respectfully submitted:

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